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International Court of Justice

H3564 - 0002

OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

EVIDENCE DIVISION

Date: 1 August 1948

I certify that Document Number TC-42-13 was introduced into evidence as Exhibit Number GB-43 in the Trial by the International Tribunal of Hermann GOERING, et. al., which commenced on 20 November 1945, and that the attached photostat is a true and correct copy of the original.

Fred Niebergall

FRED NIEBERGALL
Chief, Document Control Branch

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C E R T I F I C A T E

I hereby certify that the annexed document TC-42-13 No. GB-43 is a photostat of an original document submitted in evidence by the British Prosecution under this number. The original document has been withdrawn in accordance with Rule 10 of the International Military Tribunal, and to the best of my knowledge and belief is to be held at the OCCWC Evidence Library, Palace of Justice, Nuremberg.

Paul Joosten

PAUL A. JOOSTEN

General Secretary
International Military Tribunal

Nuremberg, 28 July 1948

[4.]

TC72

INTERNATIONAL MILITARY TRIBUNAL
NURNBERG, GERMANY
GB Exhibit 39
Filed 1945

Miscellaneous No. 9 (1939)

DOCUMENTS

CONCERNING

GERMAN-POLISH RELATIONS

AND THE

OUTBREAK OF HOSTILITIES BETWEEN GREAT BRITAIN AND GERMANY ON SEPTEMBER 3, 1939

Presented by the Secretary of State for Foreign Affairs to Parliament by Command of His Majesty

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that France would not stand a long war, that Germany could do more harm to Great Britain than the latter to her, that the history of Germany was one of ups and downs, and that this was one of the "up" periods, that the Poles had no military experience and that their only officers of any value were those who had acquired their training in the German army, that they were not and never had been a really united nation and that, since France and ourselves could not, and Russia out of self-interest would not, give them any effective military assistance, they would be taught a terrible lesson, &c. The field-marshal used, in fact, all the language which might be expected in reply to a statement that Germany was bound to be defeated. While I was perturbed at his reference to the unreality of Polish unity, which resembled the German arguments last year in regard to Czecho-Slovakia, he gave me the impression, by somewhat overstating his case, of considerably less confidence than he expressed.

8. At the end of this tirade, moreover, he asked me whether England, "out of envy of a strong Germany," was really bent on war with her and, if not, what was to be done to prevent it. I said that nobody in their senses could contemplate modern war without horror, but that we should not shrink from it if Germany resorted to another act of aggression. If, therefore, war was to be avoided, patience was necessary and the wild men in Germany must be restrained. Admittedly present-day Germany was in a dynamic condition, whereas England was by tradition the land of compromise. But compromise had its limits, and I did not see how the situation could be saved unless his Government were prepared to wait in order to allow excited spirits to calm down again and negotiations to be resumed in a better atmosphere.

9. At this point Field-Marshal Göring remarked that if the Poles tried to seize Danzig nothing would stop the Germans from acting at once. As my time was short, I made no comment on this but continued that neither the Prime Minister nor yourself had yet abandoned hope of a peaceful solution either as between Germany and Poland or between Germany and Great Britain, but that everything now entirely depended on Germany's behaviour and actions.

10. As I had already got up to go, the conversation then took a more amicable turn. Though I was in a hurry, he insisted on showing me with much pride the great structural alterations which he is making to the house at Karinhall and which include a new dining-room to hold an incredible number of guests and to be all of marble and hung with tapestries. He mentioned incidentally that the rebuilding would not be completed before November. He also produced with pride drawings of the tapestries, mostly representing naked ladies labelled with the names of various virtues, such as Goodness, Mercy, Purity, &c. I told him that they looked at least pacific, but that I failed to see Patience among them.

I have, &c.

NEVILE HENDERSON.

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German-Polish Discussions.

Explanatory Note.

CERTAIN discussions took place between the German and Polish Governments at the end of 1938 and in the early part of 1939. The German and Polish statements regarding these negotiations are to be found in the annexed documents.

No. 13.

Extract from Herr Hitler's speech to the Reichstag on April 28, 1939.

(Translation.)

There is little to be said as regards German-Polish relations. Here, too, the Peace Treaty of Versailles—of course intentionally—inflicted a most severe wound on Germany. The strange way in which the Corridor giving Poland access to the sea was marked out was meant, above all, to prevent for all time the establishment of an understanding between Poland and Germany. This problem is—as I have already stressed—perhaps the most painful of all problems for Germany. Nevertheless, I have never ceased to uphold the view that the necessity of a free access to the sea for the Polish State cannot be ignored, and that as a general principle, valid for this case, too, nations which Providence has destined or, if you like, condemned to live side by side would be well advised not to make life still harder for each other artificially and unnecessarily. The late Marshal Pilsudski, who was of the same opinion, was therefore prepared to go into the question of clarifying the atmosphere of German-Polish relations, and, finally, to conclude an agreement whereby Germany and Poland expressed their intention of renouncing war altogether as a means of settling the questions which concerned them both. This agreement contained one single exception which was in practice conceded to Poland. It was laid down that the pacts of mutual assistance already entered into by Poland—this applied to the pact with France—should not be affected by the agreement. But it was obvious that this could apply only to the pact of mutual assistance already concluded beforehand, and not to whatever new pacts might be concluded in the future. It is a fact that the German-Polish Agreement resulted in a remarkable lessening of the European tension. Nevertheless, there remained one open question between Germany and Poland, which sooner or later quite naturally had to be solved—the question of the German city of Danzig. Danzig is a German city and wishes to belong to Germany. On the other hand, this city has contracts with Poland, which were admittedly forced upon it by the dictators of the Peace of Versailles. But since, moreover, the League of Nations, formerly the greatest stirrer-up of trouble, is now represented by a High Commissioner—incidentally a man of extraordinary tact—the problem of Danzig must in any case come up for discussion, at the latest with the gradual extinction of this calamitous institution. I

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regarded the peaceful settlement of this problem as a further contribution to a final loosening of the European tension. For this loosening of the tension is assuredly not to be achieved through the agitations of insane warmongers, but through the removal of the real elements of danger. After the problem of Danzig had already been discussed several times some months ago, I made a concrete offer to the Polish Government. I now make this offer known to you, Gentlemen, and you yourselves will judge whether this offer did not represent the greatest imaginable concession in the interests of European peace. As I have already pointed out, I have always seen the necessity of an access to the sea for this country, and have consequently taken this necessity into consideration. I am no democratic statesman, but a National Socialist and a realist.

I considered it, however, necessary to make it clear to the Government in Warsaw that just as they desire access to the sea, so Germany needs access to her province in the east. Now these are all difficult problems. It is not Germany who is responsible for them, however, but rather the jugglers of Versailles, who either in their maliciousness or their thoughtlessness placed 100 powder barrels round about in Europe, all equipped with hardly extinguishable lighted fuses. These problems cannot be solved according to old-fashioned ideas; I think, rather, that we should adopt new methods. Poland's access to the sea by way of the Corridor, and, on the other hand, a German route through the Corridor have, for example, no kind of military importance whatsoever. Their importance is exclusively psychological and economic. To accord military importance to a traffic route of this kind, would be to show onself completely ignorant of military affairs. Consequently, I have had the following proposal submitted to the Polish Government :—

(1) Danzig returns as a Free State into the framework of the German Reich.

(2) Germany receives a route through the Corridor and a railway line at her own disposal possessing the same extra-territorial status for Germany as the Corridor itself has for Poland.

In return, Germany is prepared :—

(1) To recognise all Polish economic rights in Danzig.

(2) To ensure for Poland a free harbour in Danzig of any size desired which would have completely free access to the sea.

(3) To accept at the same time the present boundaries between Germany and Poland and to regard them as ultimate.

(4) To conclude a twenty-five-year non-aggression treaty with Poland, a treaty therefore which would extend far beyond the duration of my own life.

(5) To guarantee the independence of the Slovak State by Germany, Poland and Hungary jointly—which means in practice the renunciation of any unilateral German hegemony in this territory.

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The Polish Government have rejected my offer and have only declared that they are prepared (1) to negotiate concerning the question of a substitute for the Commissioner of the League of Nations and (2) to consider facilities for the transit traffic through the Corridor.

I have regretted greatly this incomprehensible attitude of the Polish Government, but that alone is not the decisive fact; the worst is that now Poland, like Czecho-Slovakia a year ago, believes, under the pressure of a lying international campaign, that it must call up troops, although Germany on her part has not called up a single man and had not thought of proceeding in any way against Poland. As I have said, this is in itself very regrettable and posterity will one day decide whether it was really right to refuse this suggestion made this once by me. This—as I have said—was an endeavour on my part to solve a question which intimately affects the German people by a truly unique compromise, and to solve it to the advantage of both countries. According to my conviction Poland was not a giving party in this solution at all but only a receiving party, because it should be beyond all doubt that Danzig will never become Polish. The intention to attack on the part of Germany, which was merely invented by the international press, led as you know to the so-called guarantee offer and to an obligation on the part of the Polish Government for mutual assistance, which would also, under certain circumstances, compel Poland to take military action against Germany in the event of a conflict between Germany and any other Power and in which England, in her turn, would be involved. This obligation is contradictory to the agreement which I made with Marshal Pilsudski some time ago, seeing that in this agreement reference is made exclusively to existing obligations, that is at that time, namely, to the obligations of Poland towards France of which we were aware. To extend these obligations subsequently is contrary to the terms of the German-Polish non-aggression pact. Under these circumstances I should not have entered into this pact at that time, because what sense can non-aggression pacts have if one partner in practice leaves open an enormous number of exceptions.

There is either collective security, that is collective insecurity and continuous danger of war, or clear agreements which, however, exclude fundamentally any use of arms between the contracting parties. I therefore look upon the agreement which Marshal Pilsudski and I at one time concluded as having been unilaterally infringed by Poland and thereby no longer in existence!

I have sent a communication to this effect to the Polish Government. However, I can only repeat at this point that my decision does not constitute a modification of my attitude in principle with regard to the problems mentioned above. Should the Polish Government wish to come to fresh contractual arrangements governing its relations with Germany, I can but welcome such an idea, provided, of course, that these arrangements are based on an absolutely clear obligation binding both parties in equal measure. Germany is perfectly willing at any time to undertake such obligations and also to fulfil them.

END

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